

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO.:

**DARRELL L. BRADLEY and
LATONYA PEGUES**

18-13868-JDW

RESPONSE TO MOTION TO INCUR NEW INDEBTEDNESS

COMES NOW Locke D. Barkley, Chapter 13 Trustee, by and through counsel, and files this response to the Motion to Incur New Indebtedness (Dkt. #70) (the “Motion”) and in support states as follows:

1. The Motion fails to set forth any specific parameters (e.g. amount of debt, interest rate, monthly payment, repayment term) for the debt to be incurred.

2. Through December 2019 the Debtors are delinquent in plan payments in the amount of \$1,520.00. The Debtors have made no payments in January 2020 and the last payment received by the Trustee was November 18, 2019. Due to the delinquency the Trustee filed a Motion to Dismiss (Dkt. #68) which is set for hearing on March 17, 2020.

3. The Confirmed Plan (Dkt. #46) provided for payment of the claim of AmeriCredit Financial which is the creditor secured by the vehicle which the Debtors seek to replace. The monthly payment to AmeriCredit through the plan was \$141.72.

4. The Trustee alleges that the Debtors are unable to maintain the current plan payment and will be unable to maintain both the plan payment and the repayment of any additional debt.

5. The Trustee requests that the Motion be denied.

WHEREFORE, PREMISES CONSIDERED, Locke D. Barkley, Chapter 13 Trustee, prays that upon notice and hearing that this Court enter its order denying the Debtor's Motion and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: January 27, 2020

Respectfully submitted,
LOCKE D. BARKLEY, TRUSTEE

BY: /s/ W. Jeffrey Collier
W. JEFFREY COLLIER, ESQ.
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CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: January 27, 2020

/s/ W. Jeffrey Collier
W. JEFFREY COLLIER